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CENTRAL FAX CENTER

NOV 18 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor	: Wenda C. Carlyle et al.	Group Art Unit: 3738
Appln. No.:	09/186,810	
Filed :	November 5, 1998	Examiner:
For :	PROSTHESES WITH ASSOCIATED GROWTH FACTORS	Paul B. Prebilic
Docket No.:	S16.12-0052	

CERTIFICATION OF TELEFACSIMILE TRANSMISSION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

571-273-8300

Sir:

I certify that the following papers are being telefacsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

1. Notice of Appeal
2. Charge Authorization Form PTO-2038

WESTMAN, CHAMPLIN & KELLY, P.A.

Date: November 18, 2005

By:

Hallie A. Finucane
Hallie A. Finucane, Reg. No. 33,172
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900 Second Avenue South
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HAF:lms

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PAGES - INCLUDING COVER PAGE

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NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

11/21/2005 TL0111 00000037 09186810
01 FC:1401 500.00 OP
Sir:

I HEREBY CERTIFY THAT THIS PAPER IS
BEING TRANSMITTED VIA FACSIMILE, 571-
273-8300, TO THE COMMISSIONER FOR
PATENTS THIS

18 DAY OF November, 2005
Halle A. Finucane
PATENT ATTORNEY

Applicant appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed August 18, 2005, finally rejecting claims 1, 3, 4, 8-10, 13, 15, 34, 35 and 38-46.

FEE STATUS

[] Small entity status under 37 C.F.R. §§ 1.9 and 1.27 is established by a verified statement previously filed on ---.

FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 1.17(b) the fee for filing the Notice of Appeal is:

[X] other than a small entity	\$500.00
[] small entity	\$250.00

EXTENSION OF TIME

These proceedings are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(a) [] Applicant petitions for an extension of time under 37 C.F.R. § 1.17(a)-(d) for the total number of months

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checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
[] one month	\$ 120.00	\$ 60.00
[] two months	\$ 450.00	\$225.00
[] three months	\$1,020.00	\$510.00
[] four months	\$1,590.00	\$795.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

[] An extension for one month has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$_____
or

(b) [X] Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee	<u>\$500.00</u>
Extension fee (if any)	<u>\$_____</u>
Total Fee Due	<u>\$500.00</u>

FEE PAYMENT

[X] Charge Authorization Form PTO-2038 for the amount of \$500.00 is attached.

[] Charge Deposit Account No. 23-1123, the sum of \$_____.

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The Director is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

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